

SPEECH

OF

HON. H. W. HILLIARD, OF ALABAMA,

ON THE

BOUNDARY OF TEXAS, AND ORGANIZING A GOVERN-
MENT FOR NEW MEXICO.

DELIVERED

IN THE HOUSE OF REPRESENTATIVES, WEDNESDAY, AUGUST 28, 1850.

WASHINGTON:
PRINTED AT THE CONGRESSIONAL GLOBE OFFICE.
1850.

Digitized by the Internet Archive
in 2018 with funding from

This project is made possible by a grant from the Institute of Museum and Library Services as administered by the Pennsylvania Department of Education through the Office of Commonwealth Libraries

TEXAS BOUNDARY, ETC.

Mr. HILLIARD said:

Mr. SPEAKER: I feel some reluctance in addressing the House at this time, but the profound anxiety with which I regard the state of the country impels me to speak. We present the extraordinary spectacle of a people prosperous beyond example, rapidly advancing in wealth and power, at peace with every nation on the globe, sending our products and the fruits of our industry of every description under the protection of our flag to all parts of the world, our ports crowded with emigrants flying from the oppression of European systems of government to seek a refuge and a home under our own free institutions—yet torn by internal dissensions which threaten to overthrow the Republic.

I could not survey this scene with any other feeling than that of profound apprehension, if it were not for the reflection that we hold the subject of controversy completely within our control. The whole task of adjustment is confided to us. The subject so long discussed in the Senate has passed from that body; it is before us; no other human tribunal can decide it; the responsibility, with all its weight, rests upon us. We can give the country peace, or we can withhold it.

I intend, sir, at whatever hazard or sacrifice of a personal kind, to do my duty to the country, and to contribute what I can, consistently with my obligations as a Representative, to the adjustment of the great questions which are before us. They are kindred questions; some of them may be said to be dependent on each other. They all grew out of the annexation of Texas.

The first of these questions in dignity and importance is that respecting the limits of the State of Texas. That State claims for her western boundary, the Rio Grande del Norte, from its

mouth to its source, and a line thence due north to the forty-second parallel of north latitude. Texas was a State of the Mexican Republic; she took up arms against that Government; threw off its authority; declared her independence, and established it triumphantly upon the field of SAN JACINTO. She proceeded to organize a permanent government, and declared her limits. Was she entitled to the territory which she claimed as an independent State? Was her title to the country lying on the Rio Grande, and which Mexico claimed adversely, and in part held by actual occupancy, good as against that Republic?

This question depends upon the principle, whether a State after a successful revolution is entitled to the territory embraced within her ancient boundaries; or whether it is to be confined to the limits within which she has actually established her jurisdiction by the sword.

The independence of Texas was recognized by the United States, by Great Britain, by France, and by Holland. The ancient limits of the new State stretched to the Rio Grande, from its mouth to El Paso. It at that time constituted a part of an extensive country, to all of which the name of Louisiana was applied. That province extended to the Rio Grande, and this was insisted upon by Mr. Monroe and by Mr. Pinkney in 1805, in the most emphatic terms. They argued the title of the United States to that district of territory, and maintained it. The claim had the sanction of Mr. Jefferson, who was at that time President, and of Mr. Madison, who was Secretary of State. Subsequently that part of the province of Louisiana known as Texas, was ceded by the United States to Spain. Mexico, by a successful revolution, wrested the Spanish provinces from that Power, and Texas became one of the States of the new Republic.

By the revolution to which I have already adverted, she became an independent State, and declared her ancient boundaries, with the further claim to the territory on the Upper Rio Grande. She was proceeding to bring the whole territory claimed by her under her jurisdiction, at the period of her annexation to the United States.

There might be a difference of opinion as to the validity of the title of Texas to the territory bordering on the Rio Grande, but there is much in her history to sustain it. She was an independent State, and recognized as such by the great Powers of the world. Mr. Webster, when Secretary of State, in 1842, in his characteristic style, marked with clearness and power, addressed an emphatic statement of the political condition of Texas to our Minister then residing at the city of Mexico:

"From the time of the battle of San Jacinto, in April, 1836, to the present moment, Texas has exhibited the same external signs of national independence as Mexico herself, and with as much stability of Government. Practically free and independent, acknowledged as a political sovereignty by the principal Powers of the world, no hostile foot finding rest within her territory for six or seven years, and Mexico herself refraining for all that period from any attempt to re-establish her own authority over that territory," &c., &c.

Such was Texas, previous to her annexation to the United States, a free and independent State, sending and receiving diplomatic agents to and from other States, enjoying all the rights of a regular and well-established government, and embracing within the boundaries asserted by her, all the territory which she now claims.

I proceed now to inquire into the validity of her title to this territory as one of the States of the Union. Whatever conclusion might be reached upon an investigation of her claim to the territory against the adverse claim of Mexico, previous to her annexation to the United States, it seems to me that her title to this territory at this time is supported by considerations too powerful to be resisted. If there be any adverse title, it is in the United States, and I am confident that a statement of the argument in support of the claim of Texas as against that set up for the United States, must bring all minds to which it is presented to an admission, however reluctantly made, of its validity and its strength.

The claim of Texas to all the territory now embraced within the limits fixed by her constitution, was well known to the Government of the United States, previous to the annexation of that State.

Mr. VINTON (Mr. H. yielding the floor to him for explanation) stated, that it had been several times asserted upon this floor, that the boundaries of Texas were fixed in her constitution, but that upon examination he had not been able to

find them laid down in any constitution formed by that State.

Mr. HILLIARD resumed. It is not at all important, Mr. Speaker, so far as the argument is concerned, whether the boundaries of Texas were defined in her constitution or not. They were certainly defined clearly by an act of her Legislature; and this solemn declaration of the title of Texas to the whole extent of the territory bordering on the Rio Grande del Norte, from its mouth to its source, continuing upon a line drawn thence to the forty-second parallel of latitude, was made known to the Government of the United States when the measure of annexation was proposed to that State. That part of the territory lying on the Upper Rio Grande was certainly held at that time by Mexico, but Texas was asserting her title to it, and taking steps to bring it under her jurisdiction.

It was our policy to avoid a war with Mexico, and as this disputed boundary line might lead to a collision between Texas and that Republic, and of course involve the United States in it, it was provided in the resolutions by which Texas was annexed to the Union, that the adjustment of all questions of boundary should be intrusted to the Government of the United States. The precise language is this: "Said State to be formed, subject to the adjustment by this Government of all questions of boundary that may arise with other Governments."

The United States Government then was made acquainted with the claim of Texas, and undertook to adjust it—not to relinquish it—not to negotiate that it might vest in itself, but to *adjust* it, which devolved upon our Government the duty of enforcing the claim of Texas, and of urging it upon Mexico in good faith. At that time no other construction than this was put upon the resolutions of annexation; they were clearly understood by the two contracting parties—the Government of the United States and that of Texas—by Mexico, and by all the world. In pursuance of the resolutions, the President of the United States promptly opened communications with the Government of Mexico, that Republic having withdrawn its Minister from Washington, and proposed to negotiate for the recognition of the Rio Grande del Norte as the western boundary of Texas. Mexico actually consented to receive a Commissioner to negotiate for that object. Mr. Polk thought it proper to send an Envoy Extraordinary and Minister Plenipotentiary to the Government of Mexico, with general powers. Mr. Slidell was selected to perform the delicate and important duties which his mission involved. He proceeded to Vera Cruz, and was urged by the friends of the Government then existing in Mexico, to wait until its power was

somewhat better consolidated, before approaching the capital; he declined the counsel, inconsiderately hastened to the city of Mexico, and presented his credentials, which were rejected, on the ground that the relations between the United States and Mexico were not such as to render it proper that the ordinary diplomatic intercourse should be resumed between them, and that it was understood a special commissioner was to be accredited to the Mexican Government, empowered to negotiate for the adjustment of questions growing out of the annexation of Texas.

What was the view taken at that time by our Government of the claim of Texas to the Rio Grande as her boundary? The only part of the territory which the Government of the United States thought Mexico could dispute with Texas, was that bordering on the upper part of that stream, and embraced within the limits of the province of New Mexico; and that it undertook to secure for Texas. This will be made perfectly plain by looking into the instructions which Mr. Buchanan, then Secretary of State, gave to Mr. Slidell when about to enter upon his mission. It must be borne in mind that some of our citizens had claims on Mexico, which that Republic had not found it convenient to discharge. The internal disorders from which it had suffered had impoverished it. These claims were for years pressed upon Mexico, and when Mr. Slidell was about to enter upon the task of negotiating with Mexico for the adjustment of the dispute with Texas in regard to her boundary, he was instructed by Mr. Buchanan to bring them up for settlement. It was well known that Mexico was not able at that time to pay them; but it was for this precise reason that Mr. Slidell was to urge them. Mr. B. says:

"The fact is too well known to the world, that the Mexican Government are not now in a condition to satisfy these claims by the payment of money. Unless the debt should be assumed by the Government of the United States, the claimants cannot receive what is justly their due. Fortunately the joint resolution of Congress, approved 1st March, 1845, 'for annexing Texas to the United States,' presents the means of satisfying these claims, in perfect consistency with the interests as well as the honor of both Republics. It has reserved to this Government the adjustment 'of all questions of boundary that may arise with other Governments.' This question of boundary may, therefore, be adjusted in such a manner between the two Republics, as to cast the burden of debt due to American claimants on their own Government, whilst it will do no injury to Mexico."

Mr. Buchanan proceeded to inform Mr. Slidell that Texas declared the Rio del Norte, from its mouth to its source, to be a boundary of that Republic, and stated that the right of Texas to that boundary as far up the stream as El Paso, was not likely to be questioned seriously. His argument in support of that position is an able one. He admitted that the case in regard to New Mexico was

different, and that Texas had never subjected that part of the territory to her jurisdiction. What then was the view taken by the Government of the United States of the claim of Texas to the territory lying on the Rio Grande? Clearly, that so far as the territory up to El Paso was concerned, it was too strong to be questioned, and that so much of it as was north of that point was subject to adjustment with Mexico. The title of Texas to that part of the territory was to be urged, and Mr. Slidell was instructed to offer to assume the payment of all the just claims of our citizens against Mexico, "should she agree that the line 'shall be established along the boundary defined 'by the act of Congress of Texas, approved December 19, 1836, to wit: beginning at the mouth 'of the Rio Grande, thence up the principal stream 'of said river to its source; thence due north to 'the forty-second degree of north latitude.'"

A debt already pronounced to be worthless was to be discharged, in consideration of a relinquishment by the party from whom it was due, of a disputed claim to territory within the declared limits of one of the United States. Mr. Slidell was instructed to offer the payment of five millions of dollars to Mexico, should she agree to transfer to the United States that part of New Mexico west of the Rio Grande; and one of the considerations which he was to present to Mexico to induce her to consent to the sale of this province, was the fact, that so much of it as was east of the river dividing it, was already embraced within the limits declared by Texas. He was instructed to offer a still larger sum for Upper California.

Such, sir, was the view taken by the Government of the United States of the title of Texas to the territory claimed by her at the date of her annexation, when that title was to be asserted and maintained against the adverse claim of Mexico. The title of Texas was asserted, and the Government of the United States offered to that of Mexico a worthless debt due to our citizens for a worthless claim set up against one of the States.

Upon Mr. Slidell's rejection by the Government of Mexico, what was then the course of our Government? Was the title of Texas abandoned? Was it ever regarded as a doubtful title? So far from it, General Taylor proceeded, under orders from the Government, to take possession of the territory lying between the Nueces and that stream; and selecting a position on the very bank of the Rio Grande—the extreme western line claimed by Texas—he threw up his works opposite Matamoros. That position was chosen with a view to the defence of the whole territory claimed by the State which we had taken under our protection,

and it was occupied *as the soil of the United States*, because it was a part of Texas.

Mr. ASHMUN (interrupting Mr. H.) held that these were the acts of but a single branch of the Government—of the Executive. Congress, he held, had solemnly refused to recognize the constitutionality of those acts.

Mr. HOWARD reminded the gentleman from Massachusetts that in his orders to General Taylor, Secretary Marcy had directed him to take post on the Rio Grande, which was to be the western boundary of Texas in case the annexation then pending took place.

Mr. HILLIARD resumed. No, Mr. Speaker, the force of this clear recognition of the Rio Grande as the western boundary of Texas, by the Government of the United States, cannot be impaired in that way. CONGRESS immediately voted supplies to enable General Taylor to hold his position, and that vote was a solemn recognition of the boundary asserted by Texas; otherwise, instead of voting supplies, the troops should have been instantly withdrawn to some point east of the Nueces. I do not vindicate the course of the President; his order should not have been given without the authority of Congress; but I insist that the subsequent action of Congress was an explicit recognition of the validity of the title of Texas to the full extent of the boundaries asserted by her. In fact, the action of every department of the Government which has had any reference to the claim of Texas upon the territory embraced within the boundaries defined by the act of her Legislature, has recognized and affirmed that claim to its fullest extent.

The occupation of the country bordering on the Rio Grande was followed by a war with Mexico. Our troops held that country, overran and took possession of New Mexico and Upper California, and brought them under the flag of the United States, as conquered provinces. By a series of brilliant victories, a complete ascendancy was obtained over Mexico, and a treaty of peace and of limits was at length concluded with that Republic, leaving the United States in possession of every acre of the territory claimed by Texas, and a large district of country besides, stretching to the Pacific Ocean. The adverse claim of Mexico to the territory east of the Rio Grande was extinguished, and *eo instante* the title of Texas covered it. The Government of the United States is, in the language of the law, *estopped* from asserting any claim of its own to that territory; its mouth is closed; it is forever concluded by its own admissions—by its own assertions—by its own acts. The only adverse title to that of Texas being abandoned, the title of that State to its whole territory is good

against the world. The treaty of Guadalupe Hidalgo does not make any transfer of territory to the United States; but the boundaries between the two Republics are defined; and while the limits of New Mexico are referred to as forming part of the new boundary, the reference is to the *southern* and *western* limits—no mention being made of the eastern boundary of that province. The map which accompanied the treaty shows, I believe, the territory of Texas marked out as asserted by her Legislature, and as recognized by the Government of the United States.

How can the boundaries of that State be now questioned by the United States? Let us suppose that Mexico had accepted the offer which Mr. Slidell was empowered to make, and had withdrawn her claim to that part of New Mexico east of the Rio Grande, would not Texas have been invited by our Government at once to extend her jurisdiction over that territory? Or if, upon the march of General Taylor to the Rio Grande, Mexico had declined war and had abandoned all the territory claimed by her east of that stream, would it have occurred to the Government of the United States to question the right of Texas to take instant possession of the whole extent of it? No, sir; and if we had never acquired that part of the province of New Mexico which lies west of the Rio Grande, no one would have disputed the title of Texas to the fragment east of the river. Can the claim of Texas be affected by the acquisition of the western part of the province?

After the ratification of the treaty of Guadalupe Hidalgo, the President of the United States, in a message to the House of Representatives, admitted the right of Texas to take possession of the country which she claimed, in its fullest extent. He refers to the joint resolution of Congress annexing Texas to the United States, and the adjustment of questions of boundary for which it provides, and adds:

"Until the exchange of the ratifications of the late treaty New Mexico never became an undisputed portion of the United States, and it would, therefore, have been premature to deliver over to Texas that portion of it on the east side of the Rio Grande to which she asserted a claim."

* * * * *

"Under the circumstances existing during the pendency of the war, and while the whole of New Mexico, as claimed by our enemy, was in our military occupation, I was not unmindful of the rights of Texas to that portion of it which she claimed to be within her limits."

While the war with Mexico was in progress, the Governor of Texas demanded of the Government of the United States an explanation of the reasons for organizing a government at Santa Fé; and the Secretary of War, under instructions from the President, replied, that the government was a temporary one, and would cease upon the conclusion of a treaty of peace with Mexico. "Nothing

(he adds,) therefore, can be more certain than that this temporary government, resulting from necessity, can never injuriously affect the right which the President believes to be justly asserted by Texas to the whole territory on this side of the Rio Grande whenever the Mexican claim to it shall have been extinguished by treaty."

During the progress of the war, while Texas, in common with the other States, was contributing her part towards achieving the victories which resulted in the acquisition of the immense territory ceded to us by Mexico, she was assured that her title to the whole extent of the Rio Grande was recognized, and that no occupation of it by the military forces of the United States could injuriously affect it.

Now, sir, I insist that the title of Texas to the whole of the country claimed by her is perfect, and that the Government of the United States ought promptly to declare it to be so, and to invite that State either to extend its jurisdiction over it, or to accept some satisfactory boundary, with ample compensation for the relinquishment of her right to the territory which she consents to give up. The claim of Texas is resisted upon two grounds. Some insist that her title to the territory bordering on the Rio Grande vests in the United States; while others set up a claim for New Mexico, and object to any division of that province, upon the ground that the Government is bound by the terms of the treaty to admit it as a State into the Union.

I trust that I have already satisfactorily shown that the Government of the United States could not acquire the title to the territory in dispute; it set up no claim of its own; it undertook to assert that of Texas; it extinguished the adverse claim of Mexico, the only adverse claim in existence, and by that means perfected the title of Texas. To allow the Government now to assert its own title, would be a violation of every principle of equity, which no judicial tribunal could sanction; and would be a flagrant breach of good faith, which the universal sentiment of mankind would condemn.

As to New Mexico, it is not to be regarded as a political community, or an *entity*, as Carlyle would express it; but as so much territory belonging to the United States, except that part of it which is included within the limits of Texas. We may construct a government for it, and embrace the whole territory west of the Rio Grande in it, or we may divide it, as we think best.

The treaty does not guaranty to the inhabitants a separate existence as a political community. Its language is: "The Mexicans who, in

the Territories aforesaid, shall not preserve the character of citizens of the Mexican Republic, conformably with what is stipulated in the preceding article, shall be incorporated into the Union of the United States, and be admitted at the proper time (to be judged of by the Congress of the United States) to the enjoyment of all the rights of citizens of the United States, according to the principles of the Constitution; and in the mean time shall be maintained and protected in the free enjoyment of their liberty and property, and secured in the free exercise of their religion without restriction."

The Territories referred to in this article, the ninth, are those which previously belonged to Mexico, and the inhabitants are to enjoy certain rights instantly—such as the right of liberty, of property, and of religion; and subsequently, when Congress shall judge it to be proper, they are to have conferred on them the privileges of American citizens by being incorporated into the Union. How incorporated into the Union? As separate States? The treaty is silent as to States—it speaks of inhabitants, of individuals. To contend that the provinces, or, in other words, the Territories previously belonging to Mexico, are to be admitted as States, and that reference is to be had to their former boundaries, is a gross misconstruction of the treaty; it would, if accepted and acted on, put it out of our power to limit the boundaries of Upper California to smaller dimensions than it heretofore possessed. The treaty simply guaranties to the inhabitants of the Territories acquired from Mexico, the privilege of American citizenship. This privilege might have been denied to them by the Government of the United States, if there had not been an explicit stipulation to that effect in the treaty; and they might have been kept perpetually under the same absolute form of rule to which they are now subjected, by the neglect of Congress to provide a better system for them.

Story, in his work on the Constitution, says:

"In cases of confirmation or cession by treaty, the acquisition becomes firm and stable; and the ceded territory becomes a part of the nation to which it is annexed, either on terms stipulated in the treaty, or on such as its new master shall impose. The relations of the inhabitants with each other do not change, but their relations with their former sovereign are dissolved, and new relations are created between them and their new sovereign. If the treaty stipulates that they shall enjoy the privileges, rights, and immunities of citizens of the States, the treaty, as a part of the law of the land, becomes obligatory in these respects. Whether the same effects would result from the mere fact of their becoming inhabitants and citizens by the cession, without any express stipulation, may deserve inquiry, if the question should ever occur."

It was to secure the rights of citizens of the United States to the inhabitants of the Territories acquired from Mexico, and who should become

permanent residents within them, that the ninth article of the treaty was inserted; for without that article the inhabitants cut off from their own country might never, after their transfer to another sovereignty, enjoy the rights and immunities of citizenship. This is all that the Government of the United States, in the treaty, undertakes to do; it must protect the inhabitants in the enjoyment of the privileges enumerated, until they rise to the higher dignity of citizens by being incorporated into some State of the Union. That would, *ipso facto*, make them citizens of the United States; and so far from being a violation of the treaty, it would be an explicit compliance with its terms. So far, then, as that objection to extending the jurisdiction of Texas over the territory which at one time constituted a part of New Mexico is concerned, it is disposed of. The obligation upon Congress to recognize and respect the title of that State to the whole extent of the territory claimed by her, seems to me to be clear and imperative. Yet I am aware that many persons think of that title very differently; they question it, and insist that the State should be turned over to the Supreme Court, for a decision upon her claim to the Rio Grande as her western boundary.

Some, indeed, go so far as to deny that Texas has even the color of title to any part of the territory beyond the Nueces; and in reply to her earnest demand that her jurisdiction shall be acknowledged over her own soil, they urge that arms shall be employed to resist her attempt to enforce it.

Mr. Speaker, Texas ought to be dealt with generously. So far from meriting the reproaches with which she is sometimes loaded, she ought to receive a cordial welcome into the family of American States. By her own gallantry she originated and carried through successfully a revolution against the Government of Mexico, when that Republic overthrew the constitution which was framed for the protection of the liberties of her people. Alone—with a sparse population, with slender means, with no regular troops—that State formed the heroic purpose of achieving its independence, and it accomplished it. The field of San Jacinto takes rank with other plains upon which tyranny has been cloven down, and the flag of freedom has been unfurled. That flag, spread to the breeze by the brave men who struck for liberty under it, with a single star glittering upon its folds, was never lowered; it was kept flying until the eyes of the civilized world caught sight of it, and hailed it as the ensign of an independent State, and the great Powers of the globe sent their ambassadors to welcome her into the family of nations. She appealed to us to receive her,

and we rejected her. She was still threatened with the power of the Government from which she had revolted. She turned naturally to us for succor—for defence; we did not extend it. We acknowledged her independence; so did the sovereigns of Europe.

In the course of years, when the State had grown strong, and when powerful nations sought to bind her to them by treaties of friendship and commerce—when her existence was no longer a thing to be questioned, but her young energies began to develop themselves, and to influence the affairs of the christian world—then we proffered our alliance, and invited her to merge her nationality in the American Union. Sir, it is within my personal knowledge, that as early as 1844 the independence of Texas might have been acknowledged by Mexico, upon the condition that she would bind herself to continue an independent State, unconnected with our Confederacy. I was at that time in Europe, and in an interview with an official person of high rank, this fact was disclosed to me. Mexico foresaw her danger from our neighboring power, and it was her object to interpose a feebler Republic between herself and the United States, as a barrier against an incursion which she dreaded. Some of the great States of Europe were interested in effecting this arrangement, from other considerations. I informed our Government of the state of affairs; and the next year it became known to the world that Mexico had in the most solemn form consented, through the intervention of the British and French Governments, to acknowledge the independence of Texas, provided she would stipulate not to annex herself, or to become subject to any country whatever.

I am asked if Mexico consented to acknowledge the Rio Grande as the boundary of Texas. My reply is, that I heard no other condition named than that of remaining a distinct State. That was the single condition.

But Texas, true to her American sympathies—true to her lineage—true to her love of constitutional liberty, declined the proposal, and entered into our Union, giving another star to our flag, and adding to our possessions a magnificent domain.

And now, sir, when this State asks for the boundaries which she has at all times asserted, we are called on to turn her over to the Supreme Court, to have them passed upon. We have heretofore acknowledged her boundaries; acknowledged, did I say? We have asserted them, urged them, vindicated them at the mouth of the cannon, shed the blood of our people in defence of them, and now, when we have succeeded in having them granted by her ancient foe, we bid this young

State, coming to us upon our own earnest invitation, to go and make good her claim if she can before our own judicial tribunal! I know that it is an august tribunal—I would not lessen its imposing dignity; I would rather add to it every sanction that could give potency to its high functions; but I trust that an American Congress will never send Texas away from its Chambers, to urge her claim to her boundaries before any tribunal under Heaven. It is a spectacle which I never desire to witness; it would leave an ineffaceable stain upon our escutcheon, which to-day is a resplendent one.

I am not surprised at the impatience which Texas exhibits under the delay of our Government to acknowledge her rightful jurisdiction over her soil, but I trust that she will not attempt to assert her claim by arms. Under our system, arms must not decide such disputes. There is no place for them. Law, constitutional law, lifts up its voice between the contending parties, and by its majesty rebukes the appeal to arms. They are not in harmony with the system which binds these States. They must not be employed on either side in this controversy. They are to be taken up only when a people, hopeless of other relief against a government which oppresses them, appeal to the *ultima ratio* of Kings, of States, and of men. If Texas should listen to the counsel of those who urge her to employ force in vindication of her rights, she will listen to unwise and rash counsellors. It is not her interest to introduce brute force for the arbitrament of disputes under this Government. Let her rather invoke the ægis of law. Let her appeal to us. I have an unshaken confidence in the honor, the magnanimity, and the patriotism of Congress. The bill sent to us from the Senate, and upon which a question is about to be taken, is a pledge of the purpose of that body, at least, to treat her claims with the consideration which they deserve. Opinions are divided as to the extent of the territory which rightfully belongs to Texas, and the terms proposed to that State in the bill before us, form a proper basis for the adjustment of that important dispute.

So far from being ready to vote at this time to reject the bill, I intend to give it my support, if I can be satisfied that the territory cut off from Texas will not be subjected to some act of legislation by Congress, hostile to the interests of the southern people; and I have already assurances, that no such act will find favor in either House.

The bill will receive my support upon two considerations. In the first place, it will promote the interests of Texas; and in the second place, it will give peace to the whole country.

As to the interests of Texas, they are compre-

hended by her able and patriotic Senators. The bill received their support when it was before the Senate. I am willing to accept their action as the exponent of the sentiment of the people of that State in regard to their rights.

The parallel of 36° 30' north latitude, is fixed upon as the northern boundary of the State, and that line is adhered to until it touches the 103d degree of longitude; the boundary then runs south upon that line until it intersects the 32d parallel of north latitude, which it pursues west to the Rio Grande del Norte. This boundary, it will be perceived, follows the line of 36° 30' until it approaches the country settled by a Mexican population, when it diverges, as I have described it, so as to exclude them.

This arrangement is a wise one; it leaves out of the limits of Texas a people differing in origin, religion, opinions, and tastes, from the great body of the people of that State. People differing so widely, where the *caste* is so marked, never could constitute a homogeneous population, and Texas is far better off without them, than she could be with them. The territory embraced within the limits defined in the bill for that State, is very large, and secures to her every substantial advantage which she could desire.

The ten millions of dollars will enable her to meet the claims against her, and relieve this young State from the pressure of a debt incurred in achieving her independence.

But, sir, if it be advantageous to Texas to accept the terms proposed in the bill, it is still more important to the country at large that they should be adopted. The people of the United States demand that this controversy shall be settled, and they will hail with the highest satisfaction a measure which restores to the country the peace which it so earnestly desires. What do they regard ten millions of dollars in comparison with the relief which the country will experience from the adjustment of a controversy which has too long already swept it like a tempest? Every interest in the country has suffered from its rage—and the world beholds with amazement the American Congress overlooking all other subjects, foreign and domestic, and engrossed in a discussion which threatens to destroy the very existence of the Government. Sir, it is time to bring this controversy to a conclusion. I desire to see PEACE. It is a blessing above all price.

It is objected to the bill before us by some gentlemen from the northern States, that the boundaries defined in it cut off from New Mexico a part of its territory. This objection has not the least foundation. I have already shown that New Mexico is not a political community, with limits fixed

by the treaty. Even if it were to be maintained as such, with all the territory which belonged to it while a province of Mexico, I can satisfy every one that the boundaries marked out for Texas in the bill upon your table do not in any way interfere with the boundaries of New Mexico.

The truth is, the limits of New Mexico are not even approached by the line fixed on as the western boundary of Texas, before its intersection with the thirty-second parallel of north latitude; and it touches those limits only at El Paso. I now present to the House two very interesting maps, to which I invite attention. They were found in the Palace of Mexico, among the official papers of the War Department of that Republic, by an American officer of great intelligence and high character, when our army occupied its capital; and they were put into my hands by him. One is a French map; the other seems to have been prepared according to law, for the use of the Mexican War Office, and exhibits an exact delineation of the extent of each Department of Mexico. The first is by *Brué*, dated Paris, 1825; the other was prepared subsequent to a decree of the Mexican Government of 1836, dividing the territory of the Republic into Departments, which are named, and which are marked on it in manuscript.

Both maps show that the province of New Mexico was of limited extent, embracing a district of country bordering on both sides of the Rio Grande, and not even approaching the 103d degree of longitude. It will be observed that I do not introduce these maps to afford any evidence of the extent of Texas; I am now directing my argument to another point, and that is, that the lines proposed in the Senate's bill for the boundaries of Texas do not in the slightest degree interfere with those of New Mexico. Nothing can be plainer than that; it is shown not only by the maps which I have produced, but by all those which can be produced, of any authenticity, and by all the descriptions which have been given to the world of the geography of that district of country.

Gentlemen, then, may dismiss all anxiety as to the boundaries of New Mexico, about which so much solicitude is expressed; they are not disturbed by the limits assigned to Texas in the bill which has been sent to us from the Senate. All objections to the boundaries of that State, proposed in the bill, give way upon investigation. The country claimed for New Mexico is open Indian territory, and the limits of that province will be largely extended if they are made to embrace all that is not included within the boundaries of Texas.

The considerations in favor of the bill are over-

whelming. It appeals to the highest motives which can act upon the House: to its generosity, its justice, its patriotism. No selfish considerations; no sectional animosity; no narrow view of policy; no apprehension of personal risk, should, for a single moment, be allowed to hinder its passage. It will, I am confident, find a powerful support from the great body of the American people. They are always loyal to the country, and they will hail with the enthusiasm of true patriotism the success of a measure which restores peace to thirty kindred States.

But, sir, this is not the only duty which we have to perform. We have already too long neglected to establish governments for the inhabitants of the Territories ceded to us by Mexico. The government in New Mexico, if it may be called a government, ought not to have been suffered to endure for a single month after the meeting of Congress. It is a reproach to us; it is a monstrous anomaly in our political system. It resembles the Roman proconsular Governments, by which that imperial Power held its conquered provinces in subjection. Absolute power is confided to the hands of a military governor. What security do the inhabitants enjoy from oppression as hard and as cruel as that which was inflicted upon the people of Sicily, by Verres, when he was prætor of that province? Before an appeal could be taken to our Government, the grossest wrongs might be endured by the inhabitants of that distant district of country, who have been transferred to our jurisdiction by a solemn treaty, and by our own citizens who are seeking homes there. The Mexicans who continue to reside there in the hope of becoming American citizens, have the strongest claim to our protection. Torn from their own country by the fortune of war; subjected for a long time to a strictly military government; transferred at last to the nation with which they had been at war, they are entitled to the rights which the treaty was supposed to secure to them. They are entitled to something beyond the mere privilege to remain upon the soil: they are to be maintained and protected in the free enjoyment of their liberty and property, and in the free exercise of their religion without restriction; and this, too, before they are admitted to the enjoyment of the rights of citizens of the United States.

Suppose these rights are violated, where are they to look for redress? In the very face of the treaty, we refuse to do our duty. Troops stationed at Santa Fé to repel attacks from Indians, do not, in my judgment, acquit us of our solemn obligation. It is imperative upon us—let us do our duty. It has been too long neglected. The de-

lay, and the causes of the delay, alike reproach us. Let us establish territorial governments for the people of New Mexico and of Utah. These governments should not only be free from any restriction upon the rights of the citizens of the United States, but they should secure to the inhabitants the ample protection of AMERICAN law. An American Congress cannot withhold that. It is due to the Mexicans who are brought under our jurisdiction, and to our own citizens residing there, that we should confer upon them the blessings of good government. If the system of American law be better than that of Mexican law, they are entitled to its benefits. Is there nothing in the right of trial by jury? Is the writ of *habeas corpus* of no value? Is not the common law to be prized, with its innumerable privileges? These—all these, the inhabitants of our Territories should enjoy; and especially should they be secured to our citizens—hardy and enterprising men, who turn their backs upon their native country and take up their abode in the wilderness, which they will presently convert into fields teeming with the varied fruits of industry. Every obstruction ought to be removed out of the way of our people who desire to emigrate to our Territories. The American citizen is entitled to the protection of his Government, in the enjoyment of his life, his liberty, and his property, wherever he fixes his residence, if the soil be under the jurisdiction of the flag of the United States. I do not give my assent to the doctrine of non-intervention. The power to govern the Territories belongs to the Government of the United States, and it must be employed for the benefit of the people of all the States. The power may be rightfully employed to remove obstructions out of the way of the enjoyment of their rights of every description in the Territories, but it cannot be employed to put restrictions upon the enjoyment of those rights.

The one act would be an exercise of its legitimate functions; the other would be an abuse of them. The governments organized for the Territories acquired from Mexico should be established upon these principles. The blessings of good government would be secured to the inhabitants of those remote possessions, and harmony would be restored to the whole country. The time is come to look out upon the whole sweep of the horizon which encircles our broad land, with a firm purpose to do our duty to the people of every part of it. We must rise to a noble view of our duties as American representatives, and bring our minds to a full survey of the interests of the great country which Providence has intrusted to our legislation. The troubles which surround us have resulted from an attempt to turn the Government of

the United States from the true sphere of its action. Established by the people of the States for their common benefit, with great but limited powers, some have sought to control it for selfish purposes—to bring it to bear in favor of a section, or against a section. Its balance has been disturbed. It is distrusted by the people of the States, against which its power is directed, and their affections, which clung to it with ardor, begin to suffer an alienation, which is as natural as it is likely to be fatal, unless it be arrested. The Government must regain their confidence by poising itself upon the basis of the Constitution, and by giving to the country an Administration national in its aim and spirit. Our political system is a complex one. It blends the elements of popular power with the vigor of a stable government. In the States of Greece the principle was, for the first time, recognized, that the government was established for the good of the community. In the language of a celebrated English writer on Greece, “from the earliest times it was not the *monarch*, but the *STATE*, that called forth the virtue of devotion and inspired the enthusiasm of loyalty.”

Asia had produced only despotisms, not relieved by a single provision for the protection of human liberty. The power of the monarch was supported at the expense of popular rights. The two systems met in conflict at Salamis and at Plataeæ. The triumph of Greece was complete; and the struggle of opinion on the soil of Europe in behalf of the rights of mankind has been maintained ever since. Reverses have never crushed it. The weight of the most powerful throne has never completely overwhelmed it. It has asserted its ever-springing vigor, and is to-day bringing every Government beneath the heavens under its sway. Our system is an improvement upon those which took their rise in Greece. It is no longer the State whose glory is to be enhanced by the sacrifice of individual rights, but it is the happiness of the people who compose the State, which is to be secured. The splendor or power of the government cannot be advanced at the expense of the rights of the citizen. The representative principle—a principle which belongs to modern systems—secures the rights of the individual and the strength of the State. Can this system be maintained? It can; it will be; it must be. With all its faults, guided as it sometimes is by unwise counsels, it is the noblest political structure which the world ever saw, and secures more practical liberty to mankind than every other existing Government. Let it be administered in the spirit in which it was conceived, and it will stand through the expanding cycles of the future. I know, sir, that some in our own coun-

try pronounce it a failure, and it may be that some desire to overthrow it. Its complex character, blending the powers of a general government with those of the several States, exposes it to dangers from its own action. The dangers result from an occasional tendency to centralization—from an assumption of powers by the General Government not granted in the Constitution.

This will always give rise to dissatisfaction in the States, whose interest it is to resist any encroachments upon their rights.

Chief Justice Marshall once remarked of the court over which he presided: "This court never leans." Those who are intrusted with the administration of the Government, should interpret its grant of powers in the same spirit—neither enlarging nor limiting them; and if this course be adhered to, the Union of these States will outlive the predictions of its timid friends and the impatient struggles of its enemies.

The extent of our domain cannot impair its strength; the improvements of modern civilization will enable us to plant our self-sustaining institutions as firmly upon the shores of the Pacific as they are seated upon those of the Atlantic.

If there be those in any part of our wide-spread limits, North or South, who are striving to divide this growing empire; who seek to magnify rather than to remove the causes of disagreement; who utter unceasing complaints against the Government for the abuse of its powers, and yet reject all measures of redress,—I have no sympathy with them. The responsibility of perpetuating the existence of the Government, rests mainly on the North. It holds the destiny of the country in its hands. I appeal to gentlemen from that section of the Union to come up at this critical hour, when the eyes of the nation are turned upon us with mingled anxiety and hope, and adjust the unhappy controversy which has so long disturbed our councils.

The crusade which has been carried on against the institutions of the South must be abandoned. If persisted in, it will precipitate us into struggles which may end in the destruction of the Republic.

The nobler feelings which are sometimes appealed to in the fierce warfare directed against us, will only betray a misguided people into acts of hostility which will involve us all in common ruin. Those who follow you will then hold you responsible for calamities which can no longer be averted. Then may they who looked to you for counsel—to you who undertook the task of leading them in

the perilous enterprise upon which they were entering—to you, placed where you could see all the wrong and all the danger—reproach you in the language of the great dramatist—

"Hadst thou but shook thy head, or made a pause,
When I spake darkly what I purposed,
Or turned an eye of doubt upon my face."

Mr. Speaker, I have never permitted myself to look to a destruction of the Government, as a remedy for existing evils. I have not sought to explore the dark and perilous future which lies beyond the hour of separation between these States, bound together by so many ties. I have a sincere desire to preserve the Union. Its disruption would involve the North and the South in common ruin. Rival States, with standing armies, and fortresses bristling with guns erected upon streams, now flowing in peace between kindred States; conflicting interests; heavy commercial regulations fettering trade now untrammelled; all this would replace the wide scene of prosperity and happiness which now salutes the eye as it surveys the whole extent of our country.

Nor would this be all; rival States would soon become belligerent States, and armies would be employed to decide the supremacy between them. The flag that floats to-day over every part of our wide domain, from the banks of the St. Lawrence, in full view of the British possessions, to the coast of the Pacific, where it meets the eye of the navigator returning from Asia, and upon our ships, which bear it upon all the waters of the earth, is known and honored as the ensign of a great and powerful Republic; it is associated with all the glories of our past history; its folds glitter at this moment before the eyes of mankind as the sign of hope and of universal freedom; and I trust that it will forever fly with undiminished splendor above free, independent, and kindred States, not divided into petty principalities or feeble leagues, but united as they now are, under a Government the mightiest, the freest, and the happiest upon which the sun looks down.

If the glorious system under which we live goes down, it leaves the world not a single example of a free and great nation. The noblest, the grandest, the most successful of all human experiments in behalf of constitutional liberty, will have failed; and the world cannot hope to reconstruct a stable, powerful, and enduring political system for the protection of popular rights. Put out the light which streams from our institutions upon the world, and it is extinguished forever.

"I know not where is that Promethean heat
That can thy light relume."

